

AMENDED IN SENATE APRIL 13, 2009

**SENATE BILL**

**No. 763**

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**Introduced by Senator Walters**

February 27, 2009

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~~An act to amend Section 66452.11 of, to repeal Section 66452.13 of, and to add Sections 66452.14 and 66452.15 to, the Government Code, An act to add Section 66452.22 to the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 763, as amended, Walters. Land use: subdivision maps.

(1) The Subdivision Map Act establishes a statewide regulatory framework for controlling the subdividing of land. It generally requires a subdivider to submit, and have approved by the city, county, or city and county in which the land is situated a tentative or vesting tentative map, which confers a vested right to proceed with development in substantial compliance with specified ordinances, policies, and standards. The act provides for the expiration of tentative or vesting tentative maps, after specified periods of time, ~~and specifically extends by 12 months the expiration date of any tentative or vesting tentative map or parcel map for which a tentative or vesting tentative map has been approved that had not expired on May 15, 1996. This extension is in addition to any other extension of the expiration date provided for in specified provisions of the act. Any legislative, administrative, or other approval by any local agency, state agency, or other political subdivision of the state that pertains to a development project included in a map that is extended is to be extended by 12 months under specified conditions.~~

This bill would extend the applicable expiration date ~~to 24 months, as specified by 12 months~~ for any vesting tentative subdivision or parcel map, ~~in addition to a tentative map, generally that has been approved, that has not expired on the date the bill is effective, and that will expire before January 1, 2012.~~ By adding to the procedures officials in counties, cities, and cities and counties must follow, this bill would impose a state-mandated local program.

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~(3) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 66452.22 is added to the Government
- 2     Code, to read:
- 3     66452.22. (a) The expiration date of any tentative or vesting
- 4     tentative subdivision map or parcel map for which a tentative or
- 5     vesting tentative map, as the case may be, has been approved that
- 6     has not expired on the date that the act that added this section
- 7     became effective and that will expire before January 1, 2012, shall
- 8     be extended by 12 months.
- 9     (b) The extension provided by subdivision (a) shall be in addition
- 10    to any extension of the expiration date provided for in Section
- 11    66452.6, 66452.11, 66452.13, 66452.21, or 66463.5.
- 12    (c) Any legislative, administrative, or other approval by any
- 13    state agency that pertains to a development project included in a

map that is extended pursuant to subdivision (a) shall be extended by 12 months if this approval has not expired on the date that the act that added this section became effective. This extension shall be in addition to any extension provided for in Section 66452.11, 66452.13, or 66452.21.

(d) For purposes of this section, the determination of whether a tentative subdivision map or parcel map expires before January 1, 2012, shall count only those extensions of time pursuant to subdivision (e) of Section 66452.6 or subdivision (c) of Section 66463.5 approved on or before July 15, 2008, which is the date that Section 66452.15 became effective, and any additional time in connection with the filing of a final map pursuant to subdivision (a) of Section 66452.6 for a map that was recorded on or before July 15, 2008, which is the date that Section 66452.21 became effective. The determination shall not include any development moratorium or litigation stay allowed or permitted by Section 66452.6 or 66463.5.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

~~SECTION 1. Section 66452.11 of the Government Code is amended to read:~~

~~66452.11. (a) The expiration date of any tentative or vesting tentative subdivision map or parcel map for which a tentative or vesting tentative map, as the case may be, has been approved that has not expired on the date that the act that amends this section becomes effective shall be extended by 24 months.~~

~~(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.6 or 66463.5.~~

~~(c) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 24 months if this approval has not expired on the date that the act that amends this section becomes effective.~~

~~SEC. 2. Section 66452.13 of the Government Code is repealed.~~

~~(b) The notice shall be as follows:~~

~~(address)~~

~~Any future notice given to you to terminate your tenancy because of the conversion cannot be effective for at least 180 days from the date this notice was served upon you. This present notice is not a notice to terminate your tenancy; it is not a notice that you must now vacate the premises.~~

~~(date)~~”

~~SEC. 4. Section 66452.15 is added to the Government Code, to read:~~

~~(b) The notice shall be as follows:~~

~~(address)~~

~~(signature of owner or owner's agent)~~

~~(date)~~”

~~SEC. 5.—If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~

*SEC. 3.* This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

1 In order to permit cities, counties, and a city and county to  
2 preserve development applications that are set to expire and that  
3 cannot be processed presently due to prevailing adverse economic  
4 conditions in the construction industry, it is necessary that this act  
5 take immediate effect.

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